

JUN 09 2005

TODD P. BLAKELY  
GARY J. CONNELL  
SABRINA C. STAVISH  
JOSEPH B. KOVARIK  
SUSAN PRYOR WILLSON  
LEWIS D. HANSEN  
ROBERT R. BRUNELLI  
DOUGLAS W. SWARTZ  
BRUCE A. KUGLER  
BRENT F. JOHNSON  
BENJAMIN B. LIEB  
BRADLEY M. KNEPPER  
MIRIAM DRICKMAN TRUDELL  
ROBERT D. TRAVER, Ph.D.  
CHRISTOPHER J. HUSSIN  
MARK L. YASKANIN  
MARY BREEN SMITH  
CRAIG W. MUELLER  
PAUL S. CHA  
MARK W. SCOTT  
"IL Bar Only"

**SHERIDAN ROSS**  
*A Professional Corporation*  
ATTORNEYS AND COUNSELORS AT LAW

1560 BROADWAY  
SUITE 1200  
DENVER, COLORADO 80202-5141

TELEPHONE (303) 863-9700  
FACSIMILE (303) 863-0223  
E-MAIL [srsw@sheridanross.com](mailto:srsw@sheridanross.com)

PATENTS  
TRADEMARKS  
COPYRIGHTS

KERMIT F. ROSS  
1910-1986

OF COUNSEL  
PHILIP H. SHERIDAN  
DAVID P. ZINGER  
CRAIG C. GROSETH  
SCOTT R. BIALOCKI

TECHNICAL SPECIALISTS  
DENNIS J. DUPRAY, Ph.D.  
ANGELA DALLAS SEBOR, Ph.D.  
MATTHEW R. ELLSWORTH

**FACSIMILE COVER SHEET**

TIME: 12:55 pm MDT

DATE: June 9, 2005

Please deliver the following page(s) to:

Name: General Filing Counter  
U.S. Patent and Trademark Office

Facsimile Number: 703/872-9306

Our Client No.: 5107-4

Your Ref.: Serial No. 10/650,011 filed 08-26-2003

Total Number of Pages, including this cover page: 9

Sender's Name: Douglas W. Swartz

**MESSAGE:**

Please see the attached Supplemental Information Disclosure Statement and PTO-1449 to be filed in connection with the above-referenced patent application.

**PLEASE CONFIRM RECEIPT**

If you do not receive all the pages, please call Amy Duarte at (303) 863-9700.

THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND MAY CONTAIN ATTORNEY PRIVILEGED INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR COMPANY NAMED ABOVE. If the reader is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, so that we may arrange for the return of the original message to us. Thank you.

JUN 09 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/650,011  
Applicant : DONNELLY et al.  
Filed: : August 26, 2003  
TC/A.U. : 3617  
Examiner: : ROBERT J. McCARRY, JR.  
Docket No. : 5107-4  
Customer No. : 22442  
Title: : "METHOD FOR MONITORING AND CONTROLLING LOCOMOTIVES"

## CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
FACSIMILE TRANSMITTED TO THE UNITED STATES  
PATENT AND TRADEMARK OFFICE TO (703) 872-9306 ON  
6/9/05.

SHERIDAN ROSS P.C.

BY: \_\_\_\_\_

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent, non-published patent application, and/or foreign references are enclosed herewith.

☐ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waivers dated July 11, 2003 and October 19, 2004, whereby patent applications filed, regardless of the filing date, need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

☒ Other: Attached hereto is a copy of an International Preliminary Examination Report for PCT Application No. PCT/US03/26994, which is the counterpart PCT of the above-identified application.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### FEES

<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li> <li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li> <li><input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li> <li><input checked="" type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li> </ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> <li>(1) a final action under 37 C.F.R. 1.113 or</li> <li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li> <li>(3) an action that otherwise closes prosecution in the application.</li> </ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(c). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</li> </ul>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(c)</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicant hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</li> </ul>

**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

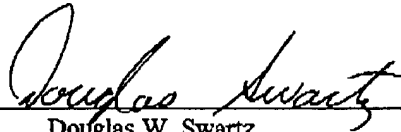
☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(c)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Douglas W. Swartz  
Registration No. 37,739  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: June 9, 2005

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<b>Complete If Known</b>	
				Application Number	10/650,011
				Filing Date	August 26, 2003
				First Named Inventor	DONNELLY, Frank Wegner
				Art Unit	3617
				Examiner Name	Robert J. McCarry, Jr.
Sheet	1	of	1	Attorney Docket Number	5107-4

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>2</sup>	Number <sup>2</sup>	Kind Code <sup>3</sup> (if known)				

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. <sup>1</sup>	
	1.	PCT International Preliminary Examination Report dated May 25, 2005, 4 pages.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.